

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER g: GRANTS

PART 3045
OFF-HIGHWAY VEHICLE RECREATIONAL TRAILS GRANT PROGRAM

Section

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AUTHORITY: Implementing and authorized by Section 15 of the Recreational Trails of Illinois Act [20 ILCS 862/15]

SOURCE: Adopted at 23 Ill. Reg. 314, effective December 21, 1998; amended at 26 Ill. Reg. 3470, effective February 25, 2002; amended at 28 Ill. Reg. 10652, effective July 13, 2004; amended at 30 Ill. Reg. 467, effective January 3, 2006; amended at 30 Ill. Reg. 10092, effective May 22, 2006; amended at 36 Ill. Reg. 11179, effective July 3, 2012; amended at 39 Ill. Reg. 12324, effective August 21, 2015.

Section 3045.10 Program Objective

The intent of the grant program is to provide financial aid to government agencies, not-for-profit organizations, and other eligible groups or individuals as noted in Section 3045.20 to develop, operate, maintain, and acquire land for off-highway vehicle parks, trailside facilities and trails that are open and accessible to the public in Illinois, as well as maintenance and repair of the parks, trails and trailside facilities. Funds for the grant program are derived from revenue generated in the Off-Highway Vehicle Trails Fund, a special fund in the State Treasury.

(Source: Amended at 26 Ill. Reg. 3470, effective February 25, 2002)

Section 3045.20 Program Eligibility Requirements

Agencies eligible for financial assistance through the Off-Highway Vehicle Trails Fund,

hereafter referred to as the OHV grant program, include units of government, private OHV clubs or organizations in Illinois having not-for-profit incorporation status, business entities and private individuals. Entities other than governmental bodies seeking financial assistance through the grant program must also possess minimum liability insurance coverage of \$1,000,000 per occurrence on the facilities to be operated under the scope of the proposed project application. OHV funds may only be awarded and used for off-highway vehicle projects located within the State boundaries of Illinois and open to the general public.

Section 3045.30 Funding Assistance Formula

The OHV grant program can provide up to 100% funding reimbursement assistance on total eligible and approved project costs.

Section 3045.40 General Procedures for Grant Applications and Awards

- a) Requests for funding assistance through the OHV grant program must be made through written application to the Illinois Department of Natural Resources, hereafter referred to as the Department. Application instructions are available through the Department.
- b) To be eligible for funding consideration, project applications must be submitted to the Department's Division of Grant Administration by an annual established application deadline date that will be publicly announced by the Department. Notice of grant awards generally should be announced within 180 days after the application submission deadline date. Awarding of grants is made solely under the authority and directive of the Director of the Department.
- c) Grant applications shall consist of the following basic components:
 - 1) applicant's name, address, telephone number and designated contact person;
 - 2) copy of incorporation papers for private OHV club/organization applicants;
 - 3) project narrative statement describing the project concept, location and estimated cost, need for and objectives of the project, type of OHVs authorized to use project site, anticipated benefits and approach for accomplishing the project;
 - 4) national wetlands inventory map, site plat map, 1:24,000 scale topographical map (commonly called a 7½ minute quad) with the site boundaries drawn on the map, and proposed development plan;

- 5) project environmental evaluation, including the location of any cemeteries on site, or nature preserves on site or nearby;
 - 6) proof of land ownership or usage rights for proposed development (construction) projects or commitment for title insurance for project property planned for acquisition;
 - 7) a document signed by the applicant verifying the applicant has the resources to initially finance and subsequently manage the project area and will comply with program regulations and indemnify the Department from any liability relative to the project; and
 - 8) proof of liability insurance or commitment for such insurance if a requested grant application element.
- d) A program information packet may be obtained from the Department by contacting the Division of Grant Administration (see Section 3045.90, Program Information).

(Source: Amended at 26 Ill. Reg. 3470, effective February 25, 2002)

Section 3045.50 Eligible Project Expenditures

- a) Grant assistance may be obtained for, but not limited to, the following:
- 1) cost of land acquisition (fee simple title or permanent easement, lease or similar management arrangement, etc.) from willing sellers for OHV trails and scramble areas, including approved survey, appraisal costs, title insurance and closing costs;
 - 2) construction, rehabilitation, maintenance and necessary design services for OHV trails/routes and scramble areas including site preparation work, signage, fencing, bridges, grooming equipment, etc. and associated support facilities including parking, shelters, restrooms, potable water supply, lighting, and other related amenities deemed necessary;
 - 3) restoration of areas damaged by OHV usage;
 - 4) rider education and safety programs; and
 - 5) cost of facility security.

- b) It is the Department's policy that the OHV grant program be used primarily to assist applicants purchase necessary materials and contract for specialized labor to develop and maintain public OHV facilities. Labor necessary for project operation shall be the responsibility of the applicant.
- c) No grant assistance will be awarded to projects that, either in whole or in part, will not be open to the general public for OHV use. (See Section 3045.80(o) regarding operation and maintenance requirements.)
- d) Grant assistance from this program cannot be used for the following purposes:
 - 1) land acquisition through eminent domain; and
 - 2) construction of OHV trails and areas on Department owned and managed lands and on U.S. Forest Service lands designated as wilderness or currently not authorized for such use by an approved management plan.

(Source: Amended at 36 Ill. Reg. 11179, effective July 3, 2012)

Section 3045.60 Project Evaluation Criteria/Priorities

The following criteria (not listed in any priority order) has been established by the Department for evaluating and ranking project applications for funding assistance:

- a) projects proposing long distance, integrated, intra-county and inter-county trails or large scramble areas rather than short, isolated trails or small scramble areas;
- b) projects proposing initial development of OHV facilities. Special consideration will also be given to those projects representing initial requests for funding assistance in a county;
- c) projects promoting multiple recreation use of the project site;
- d) projects located in areas (counties) of high demand as determined by population and the number of registered OHVs in the area;
- e) projects having minimal adverse environmental impact; and
- f) projects providing the most long term, stable management potential.

(Sources: Amended at 26 Ill. Reg. 3470, effective February 25, 2002)

Section 3045.70 Review by Advisory Board

- a) All applications for grants from the Off-Highway Vehicle Trails Fund shall be reviewed by the five member Off-Highway Vehicle Trails Advisory Board. The Board shall, after review, make a written recommendation to the Director of the Department of Natural Resources on each grant application reviewed.
- b) The Advisory Board shall:
 - 1) meet a minimum of twice annually with additional meetings called as needed;
 - 2) use Robert's Rules of Order as a guideline for conducting meetings;
 - 3) elect a Chairperson and Vice-Chair during the first meeting of the year to serve a one-year term. The Chair may serve no more than 2 consecutive terms;
 - 4) elect two members to serve on the Greenways and Trails Council for one year. These members may be elected to consecutive terms;
 - 5) utilize the Department appointee as Secretary to the Board and as liaison between the Board and the Department. The Secretary shall vote only in case of a tie;
 - 6) require a simple majority of the Board members present at a meeting to pass a motion. A Board member who is unable to attend a Board meeting may send a representative to vote in the absent member's place. The absent member must provide written authorization for a representative for each meeting the representative is authorized to attend or vote. The representative must be from the same organization as the absent member; and
 - 7) allow reasonable time for public comment at each meeting, as deemed appropriate by the chair, prior to final consideration and action by the Board on any agenda item.

Section 3045.80 Program Compliance Requirements

- a) Any property acquired or developed through assistance from the OHV program must be open to the general public for off-highway vehicle use. Property acquired or developed with program assistance may not be converted to a use that would deny public off-highway vehicle use as provided by terms of the Project Agreement without prior Department approval. Approval for property conversion

will be granted only if the project sponsor substitutes replacement property equal in fair market value and comparable in off-highway vehicle usefulness, quality and location.

- b) Grant projects approved through the OHV program shall be completed within 24 months from the date of approval unless otherwise approved by the Department. All approved projects must be in accordance with the agreed upon project specifications and a final billing request for reimbursement submitted to the Department.
- c) All land and equipment/materials purchased through the OHV grant program, except those purchased by government agencies, shall be subject to repossession and disposition by the Department as deemed appropriate upon the dissolution of the project sponsor or as a result of unresolved project sponsor non-compliance with program regulations as stated herein. Land and equipment/materials purchased by government agencies where the project sponsor fails to comply with program regulations stated herein shall be responsible for repayment of funds to the Department equal to the original grant amount disbursed to the sponsor or the property's certified fair market value at the time of non-compliance, whichever is deemed most appropriate by the Department.
- d) Land acquired with funding assistance from the OHV grant program shall be operated and maintained in perpetuity for public motorized recreation unless otherwise approved by the Department. Land acquired pursuant to a contract paid over time, with acquisition partially funded by the OHV grant program, shall include in the contract to purchase that the Department shall have a lien against the property in the amount funded from the program, and shall have a reasonable time from time of notice to the Department by the seller that the buyer is in default to:
 - 1) pay the remainder of the purchase price and take title to the land;
 - 2) substitute another party in place of the original buyer; or
 - 3) release the lien upon receiving payment of all grant funds plus 8% interest.
- e) Grant recipients receiving development assistance only shall be bound by the terms of this Part for the period of time specified below for the total amount of OHV funds expended on the project. The time period specified below shall commence after receipt of the final reimbursement payment. Recipients shall agree that the Department shall have a lien upon the property for the number of years the recipient is bound, and that the lien may be satisfied only by repayment of the entire grant amount or by operation, by the recipient or a Department

designee, of a public motorized off-highway vehicle park for the number of years for which the recipient is bound.

\$1-\$50,000 – 5 years

for every \$10,000 increment over \$50,000 – add one year

- f) With the exception of designated OHV routes on or along local roads and streets, all OHV facilities developed with assistance from the OHV grant program shall be posted with a liability disclaimer sign at ingress/egress points to the facility warning users that they use the facility at their own risk.
- g) With the exception of designated OHV routes on or along local roads and streets, it shall be the sole responsibility of the project sponsor to adequately patrol the OHV-assisted facility to ensure proper usage of the facility and user compliance with all State and local OHV regulations. Failure of the project sponsor to take corrective measures that bring the facility into compliance with this Part or to help remedy complaints lodged by local citizens concerning misuse of OHV-assisted facilities shall be grounds for a finding of program non-compliance as specified in this Section and be subject to corrective measures by the Department as deemed appropriate.
- h) During all times of operation of an OHV grant assisted facility, the project sponsor (excluding government entities) must possess insurance protection providing a minimum of \$1,000,000 per occurrence liability coverage.
- i) The project sponsor (applicant) shall indemnify, protect and hold harmless the Department from any and all liability, costs, damages, and claims arising as a direct or indirect result of the construction, operation or maintenance of facilities assisted with OHV grant funds.
- j) The project sponsor must possess the resource capabilities to:
 - 1) initially finance 100% of the total cost prior to grant reimbursement, unless otherwise approved for invoices of \$5,000 or more for approved acquisitions by not-for-profit organizations such as ATV clubs; and
 - 2) properly maintain and operate the OHV fund-assisted facility after project completion.
- k) Upon project completion, the project sponsor must submit a certified project billing request (expenditure statement) listing/verifying all funds expended on the project for which grant reimbursement is sought, as well as required billing documentation, as follows:

- 1) Acquisition Project: Proof of good faith negotiations or fair market value offer to land seller, copy of property deed (showing ownership transferred to the project sponsor/applicant), and copies of canceled checks showing proof of payment to seller.
 - 2) Development Projects: Copy of construction As-Built drawings (no larger than 11" x 17"), copy of receipts/invoices for project costs, and copy of canceled checks showing proof of payment.
- l) All financial records on approved projects must be maintained and retained, in accordance with State laws, by the project sponsor for possible State audit after final reimbursement payment is made by the Department.
 - m) The project sponsor must permanently post an OHV grant program acknowledgment sign at the project site. The required sign will be furnished by the Department.
 - n) Upon request, all work specifications must be submitted by the project sponsor to the Department for review prior to commencing work. Project sponsor will be notified by the Department if the proposed project requires the approval of a registered professional engineer.
 - o) Department representatives shall have access to OHV-assisted project sites at any time during construction to assess project progress and during facility operation to ensure continuing compliance with program regulations. As time allows, Department representatives shall be available, upon request, for consultation/technical assistance concerning project development. It shall be further understood that a final inspection and acceptance of the completed project work must be made by a Department representative prior to approval of final reimbursement payment to the project sponsor.
 - p) In connection with, and prior to, the construction, and thereafter the subsequent operation and maintenance, of OHV grant assisted facilities, the project sponsor (applicant) agrees that it shall be responsible for and obtain all necessary permits, licenses or forms of consent, as the case may be, from, but not limited to, the following agencies:
 - 1) Illinois Department of Natural Resources, Office of Water Resources;
 - 2) Illinois Environmental Protection Agency;
 - 3) U.S. Army Corps of Engineers;

- 4) Illinois Department of Public Health (Campground Licensing and Recreational Area Act);
 - 5) Illinois Department of Transportation, Division of Highways; and
 - 6) Local building, zoning or road commissions, etc.
- q) Prior to any construction or trail development on sites that have received or have been approved for OHV grant assistance, the grantee must comply with the consultation requirements of the Endangered Species Act [520 ILCS 10/11(b)] and the Illinois State Agency Historic Resources Preservation Act [20 ILCS 3420/4].
- r) The project sponsor must comply with and abide by the following operation and maintenance provisions:
- 1) All off-highway vehicles operated on sites or trails that have received OHV grant assistance must display an Illinois OHV public use sticker on the front center of the OHV, or have a receipt for a one-day competitive event for that day on that site. The sticker is available from the Department and approved vendors. Off-highway vehicles that display a similar decal from states that have reciprocity agreements with Illinois do not need the Illinois sticker. Government-owned or -leased OHVs are exempt from this requirement.
 - 2) The charging of user fees for general public use must be approved by the Department.
 - 3) Except as noted below, all OHV grant-assisted facilities must be open and available for general public use and enjoyment without regard to sex, race, color, creed, national origin or residence.
 - A) Use of the project facility can be restricted to only those users that can show proof of adequate personal liability insurance coverage or are willing to sign liability waivers concerning use of the facility.
 - B) Use of the project facility may be restricted by type of OHV use if specified in the approved project agreement or if justified and approved by the Department.
 - 4) All OHV grant assisted facilities shall be operated, maintained and utilized

for general public use in a safe and attractive manner so as to maximize the facility's intended public benefit.

- 5) Department personnel shall have access to OHV grant assisted facilities at all times during hours of normal operation for inspection purposes to ensure continued compliance with program regulations.
- 6) The possession, sale or consumption of alcoholic beverages on OHV grant assisted sites is expressly prohibited.
- s) All funds administered by the Department under the OHV grant program and expended by the project sponsor shall be in accordance with all applicable State statutes.
- t) The Department may unilaterally rescind OHV grant funds and terminate project agreements any time the General Assembly fails to appropriate or release sufficient OHV grant funds to fulfill the obligation or the applicant demonstrates non-compliance with this Part. Otherwise, after project commencement, OHV grant funds and project agreements may be rescinded, modified, or amended only by mutual agreement with the project sponsor. A project shall be deemed commenced when the project sponsor has made an expenditure or has incurred an obligation with respect to the project.
- u) Failure by the project sponsor to comply with this Part shall be cause for the suspension of all OHV grant fund obligations and/or repossession of project lands and equipment/materials purchased with grant funds, unless, in the judgment of the Department, such noncompliance was due to no fault of the project sponsor (applicant).

(Source: Amended at 39 Ill. Reg. 12324, effective August 21, 2015)

Section 3045.90 Program Information

Write to: Illinois Department of Natural Resources
 Division of Grant Administration
 One Natural Resources Way
 Springfield IL 62702-1271

Telephone: 217/782-7481
FAX: 217/782-9599
e-mail: grants@dnrmail.state.il.us

(Source: Amended at 28 Ill. Reg. 10652, effective July 13, 2004)

Section 3045.95 Sale or Transfer of Grant-Funded Property

a) Real Property

- 1) If land purchased wholly by grant funds is sold or transferred by operation of law other than transfer due to the death of the grantee:
 - A) within 5 years after receipt of grant funds, 100% of the grant funding or of the sale price, whichever is greater, must be paid back to the OHV grant fund;
 - B) in the 6th year after receipt of grant funds, 90% of the grant funding or 90% of the sale price, whichever is greater, must be paid back to the OHV grant fund;
 - C) in the 7th year after receipt of grant funds, 80% of the grant funding or 80% of the sale price, whichever is greater, must be paid back to the OHV grant fund;
 - D) in the 8th year after receipt of grant funds, 70% of the grant funding or 70% of the sale price, whichever is greater, must be paid back to the OHV grant fund;
 - E) in the 9th year after receipt of grant funds, 60% of the grant funding or 60% of the sale price, whichever is greater, must be paid back to the OHV grant fund;
 - F) in the 10th year after receipt of grant funds, 50% of the grant funding or 50% of the sale price, whichever is greater, must be paid back to the OHV grant fund;
 - G) in the 11th year after receipt of grant funds, 40% of the grant funding or 40% of the sale price, whichever is greater, must be paid back to the OHV grant fund;
 - H) in the 12th year after receipt of grant funds, 30% of the grant funding or 30% of the sale price, whichever is greater, must be paid back to the OHV grant fund;
 - I) in the 13th year after receipt of grant funds, 20% of the grant funding or 20% of the sale price, whichever is greater, must be paid back to the OHV grant fund;

- J) in the 14th year after receipt of grant funds, 10% of the grant funding or 10% of the sale price, whichever is greater, must be paid back to the OHV grant fund; and
 - K) in the 15th year or thereafter, no reimbursement to the OHV grant fund is required.
 - 2) If land purchased partially by grant funds is sold or transferred by operation of law other than transfer due to the death of the grantee:
 - A) within 5 years after receipt of grant funds, 100% of the grant funding or 100% of the sale price, whichever is greater, must be paid back to the OHV grant fund;
 - B) in the 6th, 7th or 8th year after receipt of grant funds, 80% of the grant funding or 80% of the sale price, whichever is greater, must be paid back to the OHV grant fund;
 - C) in the 9th, 10th or 11th year after receipt of grant funds, 60% of the grant funding or 60% of the sale price, whichever is greater, must be paid back to the OHV grant fund;
 - D) in the 12th, 13th or 14th year after receipt of grant funds, 30% of the grant funding or 30% of the sale price, whichever is greater, must be paid back to the OHV grant fund; and
 - E) in the 15th year or thereafter, no reimbursement to the grant fund is required.
 - 3) In cases of catastrophic illness or injury to the grantee or principals of the grantee (e.g., spouses, children and parents), the Director, with advice from the Board, may modify the repayment provisions of subsections (a)(1) and (2).
- b) Personal Property
- 1) No personal property purchased with grant funds shall be disposed of without the Department's written consent, which shall not be unreasonably withheld. Disposing of such property without written consent shall require repayment of the grant funding used to purchase the property or the fair market value of the property, whichever is deemed most appropriate by the Department.

- 2) Any insurance proceeds from personal property that was purchased with grant funds and is accidentally destroyed must be used to replace the destroyed personal property, unless the Department concurs in writing that the insurance proceeds may be used for another purpose.

(Source: Amended at 30 Ill. Reg. 10092, effective May 22, 2006)

Section 3045.100 Issuing Public Access Stickers

- a) The Illinois Department of Natural Resources (DNR) has the authority to designate agents to sell public access stickers on behalf of the Department. The consignment requirements, terms and procedures to follow will be the same as for licenses identified in 17 Ill. Adm. Code 2520 - Consignment of Licenses, Stamps and Permits.
- b) Stickers have a maximum issue period of one year. The sticker expiration year is listed on the decal. Stickers will expire March 31 of each year.
- c) Stickers will be sold at the following rates:
 - 1) \$10 for individual use by Illinois residents on an OHV titled for recreational use;
 - 2) \$17 for rental units, untitled vehicles, vehicles titled for production agriculture, or non-residents from states that do not have a reciprocal agreement with the Department;
 - 3) \$25 for dealer and manufacturer demonstrations and research; and
 - 4) \$5 one-day competitive event (receipt only, no sticker).
- d) Agents may charge a \$1 issuing fee for each sticker or competitive event receipt sold.
- e) Individuals or companies requesting a replacement sticker shall:
 - 1) submit a copy of the sticker purchase receipt;
 - 2) complete a DNR replacement decal form that has been notarized to ensure that the application is accurate and non-fraudulent;
 - 3) submit a \$3 fee per sticker; and

- 4) mail the form to:

Illinois Department of Natural Resources
Replacement OHV Access Sticker
P.O. Box 19459
Springfield IL 62791-9559

- f) Placement of the sticker must be on a visible location in the front center of the vehicle.
- g) Advertising revenues received from ads on the sticker booklets or safety brochures shall be deposited into the Off-Highway Vehicle Trails Fund.

(Source: Added at 26 Ill. Reg. 3470, effective February 25, 2002)